



# Department of Health

## Request for Proposals RFP#: 20299

### Housing Payment Services for Traumatic Brain Injury and Nursing Home Transition and Diversion Waiver Housing Subsidy Participants Issued: March 30, 2023

#### DESIGNATED CONTACT:

Pursuant to State Finance Law §§ 139-j and 139-k, the Department of Health identifies the following designated contact to whom all communications attempting to influence the Department of Health's conduct or decision regarding this procurement must be made.

Sue Mantica  
Bureau of Contracts  
New York State Department of Health  
Corning Tower, Room 2827  
Albany, New York 12237  
Telephone: 518-474-7896  
Email Address: [sue.mantica@health.ny.gov](mailto:sue.mantica@health.ny.gov)

#### PERMISSIBLE SUBJECT MATTER CONTACT:

Pursuant to State Finance Law § 139-j(3)(a), the Department of Health identifies the following allowable contact for communications related to the submission of written proposals, written questions, pre-bid questions, and debriefings.

Jenna-Lee Ciota  
New York State Department of Health  
Office of Health Insurance Programs  
99 Washington Ave, One Commerce Plaza Room 1450  
Albany, NY 12210  
Telephone: 518-473-7005  
Email Address: [OHIPcontracts@health.ny.gov](mailto:OHIPcontracts@health.ny.gov)

#### AND

Maribeth Gnozzio  
New York State Department of Health  
Office of Aging and Long-Term Care  
99 Washington Ave, One Commerce Plaza Room 1605  
Albany, NY 12210  
Telephone: 518-474-5271  
Email Address: [maribeth.gnozzio@health.ny.gov](mailto:maribeth.gnozzio@health.ny.gov)

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## 1.0 CALENDAR OF EVENTS

<b>RFP 20299 – HOUSING PAYMENT SERVICES FOR TRAUMATIC BRAIN INJURY AND NURSING HOME TRANSITION AND DIVERSION WAIVER HOUSING SUBSIDY PARTICIPANTS</b>	
<b><u>EVENT</u></b>	<b><u>DATE</u></b>
Issuance of Request for Proposals	March 30, 2023
Deadline for Submission of Written Questions	Questions Due <b>by April 13, 2023 at 4:00 p.m. ET</b>
Responses to Written Questions Posted by DOH	Responses Posted <b>On or About May 1, 2023</b>
Deadline for Submission of Proposals	Proposals Due On OR Before <b>May, 18 2023 at 4:00 p.m. ET</b>
<i>Anticipated</i> Contract Start Date	January 1, 2024

## 2.0 OVERVIEW

Through this Request for Proposals (“RFP”), the New York State (“State”) Department of Health (“DOH” or “Department”) is seeking competitive proposals from qualified bidders [to provide services as further detailed in [Section 4.0](#) (Scope of Work)]. It is the Department’s intent to award one (1) contract from this procurement.

### 2.1 Introductory Background

The Department is responsible for administration of the Home and Community Based Services (HCBS) Traumatic Brain Injury (TBI) and Nursing Home Transition and Diversion (NHTD) Medicaid Waivers. Participants in these waivers who demonstrate a financial need are eligible to apply for monthly rental and housing support and a one-time payment for household assistance. Housing support is not a waiver service but individuals receiving assistance must be eligible for and actively engaged in waiver services.

Article 27-CC of the Public Health Law established the New York State (NYS) TBI Program within the Department. Through this legislation, the Department was tasked to develop a comprehensive statewide program with primary emphasis on community-based services, develop outreach services and utilize existing organizations with demonstrated interest and expertise in service to persons with traumatic brain injuries, and within funds available, enter into contracts with such organizations.

Since 1995, the Department has administered a federal 1915(c) HCBS Waiver for Medicaid eligible individuals with TBI, funded under the State Medicaid Assistance (MA) program with Federal/State/Local matching support. Accordingly, the TBI Housing Program has provided rental subsidies and housing support to HCBS/TBI waiver participants based on a need for safe and secure housing, financial aid for housing expenses, and funds necessary for furniture, moving expenses and security deposits.

Without the support of the TBI Housing Program, many individuals would be unable to access the HCBS waiver because of their inability to obtain adequate and affordable housing in the community. Currently, there are approximately 800 TBI waiver participants enrolled in the TBI Housing Program, totaling over \$850,000 each month for rental and housing support. Additional requests for rental security deposits and household goods and expenses are paid as one-time payments.

NYS Social Services Law was amended via Chapters 615 and 627 of the Laws of 2004 to authorize the State’s NHTD waiver program. The MA waiver was approved by the federal Centers for Medicare and Medicaid Services (CMS) in 2007 and subsequently re-approved in 2022. This waiver is based on service concepts

proven effective in longer standing community-based waivers and reflects the State's commitment to provide New York's seniors and other individuals living with disabilities a wide array of health and supportive services in the least restrictive, most appropriate available setting.

Housing is recognized as one of the greatest barriers to living in the community for many people who are potentially eligible for the NHTD waiver. Since 2009, New York State has allocated funds to maintain a housing subsidy program to provide rental subsidies and a standard utility allowance to eligible individuals to help them to secure affordable housing. Without the support of this housing subsidy, the individuals enrolled would likely be unable to live in the community. Currently, there are approximately 500 NHTD waiver participants enrolled in the NHTD Housing Program, totaling over \$600,000 each month for rental and housing support. Additional requests for rental security deposits and household goods and expenses are paid as one-time payments.

Applications for rental subsidies and housing supports are generated through the Service Coordination providers and approved by contractors that administer the NHTD and TBI waivers at the local level. The Department approves all requests, and the contractors ensure the payments are entered into a web-based portal and authorizes the request. This transaction then facilitates the request for payment by the contracted Payment Agent.

## 2.2 Important Information

The bidder is required to review, and is requested to have legal counsel review, [Attachment 8](#), the Department Agreement as the bidder must be willing to enter into an Agreement substantially in accordance with the terms of [Attachment 8](#) should the bidder be selected for contract award. Please note that this RFP and the awarded bidder's proposal will become part of the contract as Appendix B and C, respectively.

It should be noted that Appendix A of [Attachment 8](#), "Standard Clauses for New York State Contracts", contains important information related to the contract to be entered into as a result of this RFP and will be incorporated, without change or amendment, into the contract entered into between the Department and the successful bidder. By submitting a response to the RFP, the bidder agrees to comply with all the provisions of Appendix A. Note, [Attachment 7](#), the bidder's Certifications/Acknowledgements, should be submitted and includes a statement that the bidder accepts, without any added conditions, qualifications or exceptions, the contract terms and conditions contained in this RFP including any exhibits and attachments. It also includes a statement that the bidder acknowledges that, should any alternative proposals or extraneous terms be submitted with the proposal, such alternate proposals or extraneous terms will not be evaluated by the Department.

**Any qualifications or exceptions proposed by a bidder to this RFP should be submitted in writing using the process set forth in [Section 5.2](#) (Questions) prior to the deadline for submission of written questions indicated in [Section 1.0](#) (Calendar of Events).** Any amendments DOH makes to the RFP as a result of questions and answers will be publicized on the DOH web site.

## 2.3 Term of the Agreement

This contract term is expected to be for a period of five (5) years and six (6) months if awarded to a new contractor, and five (5) years if awarded to the incumbent contractor, both commencing on the date shown on the Calendar of Events in [Section 1.0](#)., subject to the availability of sufficient funding, successful contractor performance, and approvals from the New York State Attorney General (AG) and the Office of the State Comptroller (OSC).

### **3.0 BIDDERS QUALIFICATIONS TO PROPOSE**

Bidders must meet all Minimum Qualifications outlined in Section 3.1 for their proposal to be reviewed and scored. Bidders may subcontract to augment the required experience and meet the minimum qualifications. Such subcontracts, the specific roles and responsibilities and experience of the subcontractors, should be clearly noted and defined in the proposal.

#### **3.1 Minimum Qualifications**

NYSDOH will accept proposals from organizations with the following types and levels of experience as a prime contractor.

- Bidder must have a minimum of two (2) years of experience providing Bidder designed training programs, in the use of web portal(s) and IT systems;
- Bidder must have a minimum of three (3) years of experience in each of the following:
  - Administering a statewide financial management and/or payment system that processes at least 1,500 direct payment transactions (paper and/or electronic funds transfer) per month;
  - Providing financial management for or more than three (3) state governments, non-profit agencies, advocacy organizations, and / or health and human services organizations; **and**
  - Preparing and issuing Internal Revenue Services (IRS) 1099 tax forms and other applicable IRS tax filing requirements, as set forth by the IRS;
- Bidder's payment agent offices and staff must be located in the continental United States throughout the term of the contract; and
- Bidder must possess a two (2) million-dollar line of credit.

Experience acquired concurrently is considered acceptable.

For the purposes of this RFP, a prime contractor is defined as one who has the contract with the owner of a project or job and has full responsibility for its completion. A prime contractor undertakes to perform a complete contract and may employ (and manage) one or more subcontractors to carry out specific parts of the contract.

Failure to meet these Minimum Qualifications will result in a proposal being found non-responsive and eliminated from consideration.

#### **3.2 Preferred Qualifications**

Preference will be given to Bidders who are able to document prior experience or knowledge in the following areas:

- At least two (2) years of experience assisting individuals with TBI or other disabilities as a fiscal intermediary, support broker, customer service representative and/or complaint center;
- At least one (1) year of experience related to a housing program for individuals with physical or cognitive limitations such as:
  - Assisting with housing placement;
  - Assessing and documenting the appropriateness of housing sites for the population; and
  - Managing a database or list of appropriate providers or landlords for the population.

### **4.0 SCOPE OF WORK**

This Section describes the housing payment services that are required to be provided by the selected bidder. The selected bidder must be able to provide all below listed services throughout the contract term.

**PLEASE NOTE:** Bidders will be requested to provide responses that address all requirements of this RFP as part of their Technical Proposal.

The terms "bidders", "vendors" and "proposers" are also used interchangeably. For purposes of this RFP, the use of the terms "shall", "must" and "will" are used interchangeably when describing the Contractor's/Bidder's duties.

## 4.1 Tasks/Deliverables

- A. The Payment Agent's startup responsibilities include:
1. Submitting a written plan within thirty (30) days of notification of award to the Department outlining the selected Payment Agent's plan to meet contract deliverables by the end of the transition period in order to ensure that there is no gap in payments
  2. Developing and maintaining a web-based portal capable of meeting the following requirements:
    1. Is compliant with NYS Information Technology Service requirements for software;
    2. Handles Protective Health Information;
    3. Allows for the secure management of more than 2000 transactions per month;
    4. Provides secure remote access to upload information and retrieve data files;
    5. Provides support to at least 300 individual users with secure access based on assigned caseload;
    6. Acts as a secure repository for documents, including but not limited to: leases, trusts, certificates of occupancy and housing quality checklists; and
    7. Generates monthly and on-demand expenditure reports
  3. Developing procedures and internal controls related to the payment process, including the use of the web-based portal; and
  4. Working with the incumbent Payment Agent for the duration of the transition period to ensure no gap in service orders if applicable. The incumbent payment agent's responsibilities include the transfer of all data required to ensure no gap in services.

In the event that the incumbent is the selected vendor, no start up activities will be required, but activities required to ensure continuity of systems and payments may be reimbursed.

- B. The Payment Agent will be responsible for:
1. Building an organizational structure with staff and financial operations to ensure statewide support for the housing program in a changing service delivery system;
  2. Maintaining adequate staff to perform the activities described in Section 4.2 Staffing below;
  3. Developing and implementing an information technology infrastructure capable of housing a detailed database of over 2000 participants, landlords and vendors receiving housing funding;
  4. Developing and maintaining a web-based portal with procedures and internal controls which allow the secure management of in excess of 2000 transactions per month. The technology platform must:
    1. Use an established web portal technology using a secure server;
    2. Provide secure remote access allowing for users to upload and retrieve data files;
    3. Support at least 300 users with secure access;
    4. Be able to generate required monthly and on-demand expenditure reports; and
    5. Act as a secure repository for documents, including but not limited to leases, trusts, certificates of occupancy and housing quality checklists.
  5. Establishing and implementing or maintaining (if current contractor) an electronic payment processing system within the first 90 days of contract approval that:
    1. Uses Enterprise Software with the ability to upgrade based upon changes to technology requirements;
    2. Can support a large-scale statewide operation that processes at least 20,000 transactions per year; and
    3. Has the ability to expand or to adapt based upon increases or decreases in volume.
  6. Developing and maintaining orientation and training programs for over 400 Service Coordinators and Regional Resource Development Center staff in the use and oversight of the web-based portal, program guidelines, and program reports regarding payments and financial information, participant status and payee information;
    1. Training can be conducted in-person or virtually via webinar; and
    2. Training must be offered at least annually;
  7. Maintaining a payment infrastructure to support transactions.
    1. Transactions will be completed via the method that best accommodates the need of the landlord and payment recipients.
  8. Receiving approximately 200 new applications and change of status forms each month;
  9. Inputting pertinent data in the contactor's web-based portal within five (5) calendar days of receipt for initial applications and within two (2) calendar days of receipt for change of status forms;

10. Processing and tracking all monthly rental and housing support payments to landlords, vendors, and other payees;
11. Processing emergency, expedited, one-time, and housing support payments;
  1. Historically 700 of these payments are made annually
12. Mailing or electronic mailing or direct deposit payment of approximately 3,000 individual rental and utility payments each month to approximately 1,500 current individuals distributed throughout the state as follows:

<b>Region</b>	<b>Approximate Current Number of TBI Housing and Subsidy Recipients by Region</b>	<b>Approximate Current Number of NHTD Housing and Subsidy Recipients by Region</b>
	<b>Recipients/Transactions</b> (As of April 2022)	<b>Recipients/Transactions</b> (As of April 2022)
Adirondack	15 / 22	2 / 2
Capital	101 / 116	12 / 12
Binghamton	10 / 10	1 / 1
Buffalo	27 / 18	10 / 9
Lower Hudson	110 / 130	55 / 50
Long Island	180 / 260	102 / 87
NYC	310 / 460	325 / 300
Rochester	40 / 45	10 / 10
Syracuse	10 / 10	2 / 2

13. Making one-time payments (e.g., security deposits, broker fees) within five (5) calendar days of receipt of an approved application and/or transmittal request;
14. Conveying funds based upon authorization received electronically and/or on paper. The Department will review transmittals, regional housing budgets, and complete internal audits to ensure oversight of expenditures;

**NOTE: No verbal authorizations will be allowed.**

15. Processing urgent payments upon request within time frames requested by the Department;
  1. Checks/payments may be requested for same-day payment when received by noon
  2. Urgent payments may require priority mailing
16. Maintaining a tracking system detailing payments and reimbursements;
17. Securing and verifying tax information for all payment recipients and issuing annual 1099 tax reports;
18. Ensuring full compliance with applicable IRS regulations pertaining to the issuance of year end 1099 forms to all vendors and agencies receiving payments as set forth in 26 CFR 1.6041-1;
19. Receiving returned checks and payments on behalf of the Department and maintaining a log of those funds according to IRS standards;
20. Completing monthly reconciliation of payments made vs payments received;
21. Using mail, fax, email, or other electronic means to:
  1. Convey necessary information regarding payments, tax requirements and provide technical assistance to new landlords;
  2. Transmit notices regarding security deposit or broker fees; and
  3. Advise of changes, overpayments or refunds related to the Housing Program.

**NOTE: Contractor should use a standardized letter for all such correspondence. Prior to using, the Contractor is required to obtain the Department's approval of the letters.**

22. Maintaining contemporaneous records of subsidy payment requests, status changes and payments for immediate look-up capacity, in accordance with data specifications for the Department;
23. Establishing and maintaining records for six (6) years consistent with the Department's records retention requirements for Medicaid services;
24. Developing and maintaining business rules for the implementation of the program that ensure payment integrity;

25. Implementing quality oversight and customer outreach systems to receive complaints, address payment inquiries, identify payment inconsistencies and monitor services;
26. Facilitating annual audits of all housing payments and supporting documents in conjunction with the contractors;
27. Maintaining internal controls consistent with Generally Accepted Accounting Principles;
28. Tracking all expenditures, recoupments and reconciliations and provides a detailed tracking of all subsidy and housing support payments to NYSDOH on a monthly basis;
  1. No vendor (landlord/management company/utility) will be issued a payment without a confirmed tax identification number.
  2. The Payment Agent will issue annual 1099 reports to all vendors receiving payments over \$599 in a calendar year.
29. Notifying NYSDOH and the Regional Resource Development Center (RRDC) of any identified overpayments of rent and utilities or potential recoupment of security deposits, such as returned deposits that are received on an on-going basis;
30. Communicating, as needed, with the Department and RRDC contractors regarding the correction of discrepancies, overpayments, and other problems in order that payments may be made within designated time frames;
31. Meeting with the Department, by telephone conference or in person (as needed at the request of the Department), to refine the application/processing system and review any changes in policy or procedures which may affect the Payment Agent;
32. Participating in monthly Regional/Statewide conference calls;
33. Attending quarterly meetings held in Albany, New York. Additional meeting(s) may be requested to ensure contractor compliance;
34. Providing support to RRDC staff at quarterly meetings regarding the procedures to facilitate prompt payments, required documentation, and appropriate interactions with contractor's staff;
35. The development of training material(s) that will be utilized for an initial training to all staff during the first year of the contract. The contractor is expected to provide subsequent training annually - (or more frequently if needed) to address staff turnover or changes in program requirements. All material developed by the Contractor must be reviewed and approved by NYSDOH;
  1. Payment Agent is responsible for securing staff to conduct initial training to all staff, as well as annual training and training as needed to address staff turnover
  2. Trainings may be held remotely by telephone or internet conferencing;
  3. Trainings will include at a minimum:
    1. Applicable Housing Program guidelines and policies;
    2. Use of documents for the administration of the Housing Program;
    3. Principles and requirements of the Americans with Disabilities Act and Fair Housing standards;
    4. Cultural sensitivity to the populations serves as related to the need for required housing and payment supports; and
    5. Confidentiality under MA and Health Insurance Portability and Accountability Act (HIPAA) requirements, with the recognition that confidential information and data may be discussed and available to staff.
36. The maintenance of a sufficient line of credit, a minimum of \$2 million dollars, to support payments pending any outstanding reimbursement issues to the contractor.

C. The Payment Agent's transition responsibilities will be:

1. The Contractor will work with the Department to ensure a complete, efficient, and successful transition six (6) months prior to the end of the contract period;
  1. The transition represents a period when the services provided by the Contractor resulting from this RFP, must be turned over to the Department or its designee, at the end of the contract;
  2. The Contractor shall ensure that any transition will be done in a way that provides the Department with uninterrupted services;
2. Within six (6) months of the contract end date, the Contractor must develop a transition plan that includes a complete and total transfer of all hardware, software, databases, data files, backup data, archives, reports, programming developed for the system, complete and comprehensive documentation of the system(s) and all records necessary to perform all the services;
3. The transition plan and associated timeline must ensure all current and future services during the transition period are addressed and completed. All relationships between all parties involved should



- be notified of the transition and all changes required to ensure a seamless transition of services;
4. The Contractor shall manage and maintain the appropriate number of staff to meet all requirements listed in the RFP during the last six (6) months of the contract period to ensure seamless transition; and
  5. The Contractor will conduct all reporting and record requirements, security standards, and performance standards during the transition period

## 4.2 Staffing

The Contractor will assume responsibility for organizing and training sufficient staff to conduct all tasks identified in this RFP. Specifically, the Contractor will:

- Assign a Full-Time Project Coordinator who possesses strong management skills and has strong background and experience with the tasks identified in this RFP; Maintain sufficient customer support staff to timely address questions and payment issues from landlords, RRDCs and subsidy recipients;
- Provide sufficient supervisory and administrative support staff necessary to organize, prepare and carry out all administrative tasks associated with conducting the tasks associated with this RFP; and
- Maintain the staffing levels and personnel as provided in the Contractor's proposal, except wherein approved by the State.

NOTE: The Project Coordinator must be available during normal business hours to meet with the Department on an as-needed basis.

## 4.3 Reporting

The Contractor will adhere to the following reporting requirements:

- All reports will be generated via the web-based portal;
- Payment and reimbursement information will be conveyed to the Department monthly by way of the tracking system outlined in this RFP;
  - Preliminary monthly expenditure and budget reporting to be sent to the Department within five (5) business days of the end of the reporting month and
  - Actual monthly expenditure and budget reporting to be sent to the Department within fifteen (15) business days of the end of the reporting month
- Preparing and issuing Internal Revenue Services (IRS) 1099 tax forms and other applicable IRS tax filing requirements
- Payment and utilization trends, to assist in program development and cost projections, are to be analyzed, developed, and subsequently reported to the Department quarterly; and
- Reports of all activity related to the Housing Program are to be submitted to the Department on a monthly, quarterly, and annual basis.
- Tracking all expenditures, recoupments and reconciliations and provides a detailed tracking of all subsidy and housing support payments to NYSDOH on a monthly basis;

NOTE: Additional status reports may be requested by the Department.

## 4.4 Information Technology

The application and all systems and components supporting it, including but not limited to any forms and databases that include Personal Health, Personal Identification or other New York State information, must comply with all NYS security policies and standards listed at <http://its.ny.gov/tables/technologypolicyindex.htm>.

Additionally, the Contractor will adhere to the following Information Technology Requirements:

Maintaining sufficient access to the system to store all related documents necessary to approve and verify payment requests; and

- Maintaining sufficient software to verify landlord FEINs sufficient to avoid IRS penalties due to incorrect reporting.

## 4.5 Security

The New York State Department of Health (the “Department” or “DOH”) requires that vendors providing information technology (IT) and application services to the Department comply with the security and privacy policies and controls outlined in this RFP and all other applicable New York State and federal laws, regulations, policies, and standards for IT systems that transfer, process, or store Department data, including but not limited to the Health Insurance Portability and Accountability Act (HIPAA) Omnibus Final Rule. Vendors are required to verify compliance with security and privacy requirements by providing the Department with documentation and artifacts that validate applicable standards and controls are in place.

### ***Moderate-Plus Security Controls Baseline***

The Department has defined a *Moderate-Plus Security Controls Baseline* based on, and consistent with the security provisions described in Centers for Medicare and Medicaid Services (CMS) Acceptable Risk Safeguards (ARS) and National Institute of Standards and Technology (NIST) Special Publication (SP) 800-53 at the Moderate level. Additionally, the Department has augmented these federal standards with New York State Policies and Standards. The *Moderate-Plus Security Controls Baseline* includes a System Overview document. All bidders shall complete the System Overview document – which is attached to this RFP – to thoroughly and accurately describe the technical security environments that will support the proposed system.

### **System Security Plan (SSP)**

The Department requires the selected bidder/vendor to maintain a System Security Plan (SSP) that aligns with the *Moderate-Plus Security Controls Baseline* for any system that will transfer, process, or store Department data. The Department considers bidder responses to represent a commitment by the bidder to adhere to, and demonstrate compliance with, the *Moderate-Plus Security Controls Baseline*. The Department will provide necessary templates and guidelines with respect to SSP format to the selected bidder/vendor upon contract award.

### **Data Use Agreement (DUA) and Business Associate Agreement (BAA)**

Selected bidder/vendor shall execute a Data Use Agreement (DUA) and Business Associate Agreement (BAA) and submit a System Security Plan (SSP) Attestation to the Department upon contract award. The SSP Attestation requires the selected bidder/vendor to certify to the Department that the selected bidder/vendor system adheres to the *Moderate-Plus Security Controls Baseline*.

### **Demonstration of Compliance with *Moderate-Plus Security Controls Baseline***

Prior to the Department permitting release of Departmental data consisting of Medicaid Confidential Data (MCD) or Protected Health Information (PHI) into the vendor system, the selected bidder/vendor shall demonstrate compliance with the *Moderate-Plus Security Controls Baseline* to the Department’s satisfaction. The selected bidder/vendor may demonstrate compliance by (i) completing SSP workbook templates provided by the Department, or (ii) retaining an independent third-party assessor to complete a security assessment review and validate that the controls described in the SSP are implemented correctly, operating as intended, and producing the desired outcome, or (iii) by demonstrating compliance with an external, independent, framework that aligns with the *Moderate-Plus Security Controls Baseline*.

### **Plan of Actions and Milestones (POA&M)**

Selected bidder/vendor shall also submit a Plan of Actions and Milestones (POA&M) that addresses any deficient controls in its SSP. The POA&M shall provide target implementation dates for any control that is not fully implemented. Deficient controls shall be prioritized and mitigated with compensating controls consistent with federal and State policies and standards.

Selected bidder/vendor shall update and resubmit the POA&M to the Department each quarter throughout the term of the contract to demonstrate progress and assure the timely mitigation of deficient security controls and any third-party assessor findings.

Selected bidder shall submit an updated SSP Attestation to the Department on an annual basis, and when there is any significant change to the system. A significant change is one that is likely to affect the security state of the information system. The Department reserves the right to require the vendor to retain, at the vendor’s expense, a third-party firm to perform additional security assessments at any time.

### **FedRAMP Certified Cloud Solutions**

If the selected vendor solution utilizes a FedRAMP Certified cloud solution, the vendor shall indicate how such cloud services are utilized, including the type of cloud service utilized (e.g., Infrastructure as a Service (IaaS), Platform as a Service (PaaS), and/ or Software as a Service (SaaS)).

Additionally, vendor shall provide a matrix that illustrates whether the vendor, or the cloud service provider, is responsible for each security control. Vendor shall also indicate if responsibility for a given control is shared between the vendor and the cloud service provider.

Selected vendor shall also provide evidence to the Department that the cloud service offerings have been certified against criteria consistent with the *Moderate-Plus Security Controls Baseline*. The scope of this certification shall include all locations that store, process, connect to, or provide access to Department data, whether at rest or in transit.

The Department reserves the right to request documentation to verify compliance with FedRAMP and FISMA Authorizations including but not limited to:

- System Security Plans
- Cloud Security Alliance ASA certification reports
- SOC audit reports
- Other independent security assessment results
- Artifacts employed in support of cloud provider certification
- Identification of cloud provider supply chain vendors and associated contracts as applicable

### **Department Templates**

The DUA, BAA, SSP Attestation, *Moderate-Plus Security Controls Baseline* SSP templates, and POA&M templates will be provided to the selected bidder/vendor by the Department upon contract award.

### **Legal and Regulatory Compliance**

Finally, systems addressed by this procurement may be subject to security and regulatory requirements including, but not limited to:

1. All New York State ITS policies and standards ([https://its.ny.gov/system/files/documents/2022/10/nys-p03-002\\_information\\_security\\_policy.pdf](https://its.ny.gov/system/files/documents/2022/10/nys-p03-002_information_security_policy.pdf))
2. The Health Insurance Portability and Accountability Act (HIPAA) Omnibus Final Rule
3. All applicable State and federal laws and regulations related to privacy protections
4. Section 367-b(4) of the NY Social Services Law
5. New York State Social Services Law Section 369(4)
6. Article 27-F of the New York Public Health Law (HIV/AIDS)
7. 18 NYCRR 360-8.1
8. NY Civil Rights 79-L
9. Social Security Act, 42 USC 1396a(a)(7)
10. Federal regulations at 42 CFR 431.302 and 42 CFR Part 2 (Substance Use Disorder)
11. NYS Mental Hygiene Law Section 33.13
12. 45 CFR Parts 160 and 164 (Privacy related sections for HIPAA)"

The contractor must ensure that they are compliant with all applicable New York State security policies and standards defined in the New York State ITS security policies and standards ([https://its.ny.gov/system/files/documents/2022/10/nys-p03-002\\_information\\_security\\_policy.pdf](https://its.ny.gov/system/files/documents/2022/10/nys-p03-002_information_security_policy.pdf)), including, but not limited to:

- NYS-P03-002 – Information Security Policy,
- NYS-P10-006 – Identity Assurance Policy,
- NYS-S13-001 – Secure System Development Life Cycle Standard,
- NYS-S13-002 – Secure Coding Standard (if applicable),
- NYS-S13-004 – Identity Assurance Standard,
- NYS-S14-003 – Information Security Controls Standard,
- NYS-S14-005 – Security Logging Standard,
- NYS-S14-007 – Encryption Standard,
- NYS-S15-008 – Secure Configuration Standard

- NYS-S14-013 – Account Management / Access Control Standard
- NYS-S15-001 – Patch Management Standard (if applicable) and
- NYS-S15-002 – Vulnerability Scanning Standard

The contractor's organization, employees, subcontractors, and volunteers will implement and maintain policies, an internal control process for oversight and monitoring and procedures to assure the confidentiality of personal identifiable data and protected health information. The Contractor is required, if applicable, to execute a number of security and privacy agreements with the Department including a Business Associate Agreement (Appendix H) and a Data Use Agreement (DUA) at contract signing.

The Contractor is expected to provide secure and confidential backup, storage and transmission for hard copy and electronically stored information. Under no circumstances will any records be released to any person, agency, or organization without specific written permission of the DOH. The Contractor is obligated to ensure any Subcontractor hired by Contractor who stores, processes, analyzes, or transmits MCD on behalf of Contractor has the appropriate Security requirements in place. Contractor is required to include in all contracts and Business Associate Agreements with their Subcontractors language surrounding the security and privacy requirements as well as the language contained in the Confidentiality Language for Third Parties section of the DUA. If any breach or suspected breach of the data or confidentiality occurs, whether the breach occurred with the Contractor or Subcontractor, DOH must be notified immediately.

The contractor is required to maintain and provide to the Department upon request their data confidentiality plans and procedures for meeting security requirements as they relate to the deliverables and services within this RFP, including all plans as they relate to subcontractor work where applicable.

The contractor will develop and maintain adequate fully trained staff to respond to all stakeholder inquiries while protecting confidentiality and maintaining the security and integrity of all systems. Staff must be trained to understand and observe requirements related to confidentiality and operating guidelines for functions included in this RFP.

The Contractor will comply fully with all current and future updates of the security procedures of the DOH/HRI, as well as with all applicable State and federal requirements, in performance of this contract.

## **5.0 ADMINISTRATIVE INFORMATION**

The following administrative information will apply to this RFP. Failure to comply fully with this information may result in disqualification of your proposal.

### **5.1 Restricted Period**

"Restricted period" means the period of time commencing with the earliest written notice, advertisement, or solicitation of a Request for Proposals ("RFP"), Invitation for Bids ("IFB"), or solicitation of proposals, or any other method for soliciting a response from Bidders intending to result in a procurement contract with DOH and ending with the final contract award and approval by DOH and, where applicable, final contract approval by the Office of the State Comptroller.

This prohibition applies to any oral, written, or electronic communication under circumstances where a reasonable person would infer that the communication was intended to influence this procurement. Violation of any of the requirements described in this Section may be grounds for a determination that the bidder is non-responsible and therefore ineligible for this contract award. Two (2) violations within four (4) years of the rules against impermissible contacts during the "restricted period" may result in the violator being debarred from participating in DOH procurements for a period of four (4) years.

Pursuant to State Finance Law §§ 139-j and 139-k, the Department of Health identifies a designated contact on face page of this RFP to whom all communications attempting to influence this procurement must be made.

## 5.2 Questions

There will be an opportunity available for submission of written questions and requests for clarification with regard to this RFP. All questions and requests for clarification of this RFP should cite the particular RFP Section and paragraph number where applicable and must be submitted via email to [OHIPContracts@health.ny.gov](mailto:OHIPContracts@health.ny.gov). It is the bidder's responsibility to ensure that email containing written questions and/or requests for clarification is received at the above address no later than the Deadline for Submission of Written Questions as specified in [Section 1.0](#) (Calendar of Events). Questions received after the deadline may **not** be answered.

**Any qualifications or exceptions to Attachment 8 (DOH Agreement) proposed by a bidder to this RFP should be submitted in writing prior to the deadline for submission of written questions indicated in Section 1.0 (Calendar of Events). Any such qualifications or exceptions that are not proposed prior to the deadline for submission of written questions may not be considered by DOH after contract award.**

## 5.3 Right to Modify RFP

DOH reserves the right to modify any part of this RFP, including but not limited to, the date and time by which proposals must be submitted and received by DOH, at any time prior to the Deadline for Submission of Proposals listed in [Section 1.0](#) (Calendar of Events). Modifications to this RFP shall be made by issuance of amendments and/or addenda.

Prior to the Deadline for Submission of Proposals, any such clarifications or modifications as deemed necessary by DOH will be posted to the DOH website.

If the bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the Bidder shall immediately notify DOH of such error in writing at [OHIPContracts@health.ny.gov](mailto:OHIPContracts@health.ny.gov) and request clarification or modification of the document.

If, prior to the Deadline for Submission of Proposals, a bidder fails to notify DOH of a known error or an error that reasonably should have been known, the bidder shall assume the risk of proposing. If awarded the contract, the bidder shall not be entitled to additional compensation by reason of the error or its correction.

## 5.4 Payment

The contractor shall submit invoices and/or vouchers to the State's designated payment office:

Preferred Method: Email a .pdf copy of your signed voucher to the BSC at: [AccountsPayable@ogs.ny.gov](mailto:AccountsPayable@ogs.ny.gov) with a subject field as follows:

Subject: **Unit ID: 3450473      Contract #: TBD**

Alternate Method: Mail vouchers to BSC at the following U.S. postal address:

**NYS Department of Health  
Unit ID 3450473  
c/o NYS OGS BSC Accounts Payable  
Building 5, 5th Floor  
1220 Washington Ave.  
Albany, NY 12226-1900**

Payment for invoices and/or vouchers submitted by the CONTRACTOR shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The CONTRACTOR shall comply with the State Comptroller's procedures to authorize electronic payments. Authorization forms are available at the State Comptroller's website at [www.osc.state.ny.us/epay/index.htm](http://www.osc.state.ny.us/epay/index.htm), by email at [epayments@osc.state.ny.us](mailto:epayments@osc.state.ny.us) or by telephone at 518-474-6019. CONTRACTOR acknowledges that it will not receive payment on any invoices and/or vouchers submitted under this Contract if it does not comply with the State Comptroller's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

In addition to the Electronic Payment Authorization Form, a Substitute Form W-9 must be on file with the Office of the State Comptroller, Bureau of Accounting Operations. Additional information and procedures for enrollment can be found at <https://www.osc.state.ny.us/>.

Completed W-9 forms should be submitted to the following address:

NYS Office of the State Comptroller  
Bureau of Accounting Operations  
Warrant & Payment Control Unit  
110 State Street, 9<sup>th</sup> Floor  
Albany, NY 12236

Payment of such invoices and/or vouchers by the State (NYS Department of Health) shall be made in accordance with Article XI-A of the New York State Finance Law. Payment terms will be:

The Contractor shall submit two invoices each month (preliminary/actual expenditures), along with the required expenditure reports for that month. The first voucher of the month projects the expenditures, and the second voucher reconciles the expenses to the reimbursement. Preliminary vouchers are due 60 days prior to the first of the month (i.e., November preliminary vouchers should be submitted September 1). The actual expenditures invoices are due by the 7<sup>th</sup> of each month. A monthly report and fiscal report must be provided with the reimbursement request.

The invoices will include the actual housing expenditures to be reimbursed and the Contractor's monthly Funds Under Management (FUM) fee, which is based upon the FUM percentage rate bid in the Contractor's Attachment C: Cost Proposal, multiplied by the actual housing expenditure paid during the invoicing period.

The Contractor will not be reimbursed for costs outside of actual housing expenditures paid and its FUM fee.

## **5.5 Minority & Woman-Owned Business Enterprise Requirements**

Pursuant to New York State Executive Law Article 15-A, the New York State Department of Health ("DOH") recognizes its obligation to promote opportunities for maximum feasible participation of certified minority- and women-owned business enterprises and the employment of minority group members and women in the performance of DOH contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority- and women-owned business enterprises in state procurement contracting versus the number of minority- and women-owned business enterprises that were ready, willing, and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that DOH establish goals for maximum feasible participation of New York State Certified minority- and women-owned business enterprises ("MWBE") and the employment of minority groups members and women in the performance of New York State contracts.

### **Business Participation Opportunities for MWBEs**

For purposes of this solicitation, DOH hereby establishes an overall goal of **0%** for MWBE participation, **0%** for Minority-Owned Business Enterprises ("MBE") participation and **0%** for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs and outreach efforts to certified MWBE firms). A contractor ("Contractor") on the subject contract ("Contract") must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the



Contract and Contractor agrees that DOH may withhold payment pending receipt of the required MWBE documentation. For guidance on how DOH will determine “good faith efforts,” refer to 5 NYCRR §142.8.

The directory of New York State Certified MWBEs can be viewed at: <https://ny.newnycontracts.com>. The directory is found in the upper right-hand side of the webpage under “Search for Certified Firms” and accessed by clicking on the link entitled “MWBE Directory”. Engaging with firms found in the directory with like product(s) and/or service(s) is strongly encouraged and all communication efforts and responses should be well documented.

By submitting a bid, a bidder agrees to complete an MWBE Utilization Plan ([Attachment 5](#), Form #1) of this RFP. DOH will review the submitted MWBE Utilization Plan. If the plan is not accepted, DOH may issue a notice of deficiency. If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt. DOH may disqualify a Bidder as being non-responsive under the following circumstances:

- a) If a Bidder fails to submit a MWBE Utilization Plan;
- b) If a Bidder fails to submit a written remedy to a notice of deficiency;
- c) If a Bidder fails to submit a request for waiver (if applicable); or
- d) If DOH determines that the Bidder has failed to document good-faith efforts;

The Contractor will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to DOH but must be made no later than prior to the submission of a request for final payment on the Contract.

The Contractor will be required to submit a Contractor’s Quarterly M/WBE Contractor Compliance & Payment Report to the DOH, by the 10<sup>th</sup> day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

If the Contractor is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding will constitute a breach of Contract and DOH may withhold payment from the Contractor as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

New York State certified Minority- and Women-Owned Businesses (M/WBE) may request that their firm’s contact information be included on a list of M/WBE firms interested in serving as a subcontractor for this procurement. The listing will be publicly posted on the Department’s website for reference by the bidding community. A firm requesting inclusion on this list should send contact information and a copy of its NYS M/WBE certification to [OHIPcontracts@health.ny.gov](mailto:OHIPcontracts@health.ny.gov) before the Deadline for Questions as specified in [Section 1.0](#) (Calendar of Events). Nothing prohibits an M/WBE Vendor from proposing as a prime contractor.

**Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.**

## 5.6 Equal Employment Opportunity (EEO) Reporting

By submission of a bid in response to this solicitation, the Bidder agrees with all of the terms and conditions of [Attachment 8](#) Appendix A including Clause 12 - Equal Employment Opportunities for Minorities and Women. Additionally, the successful bidder will be required to certify they have an acceptable EEO (Equal Employment Opportunity) policy statement in accordance with Section III of Appendix M in [Attachment 8](#).

Further, pursuant to Article 15 of the Executive Law (the “Human Rights Law”), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic

violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the Contractor, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

To ensure compliance with this Section, the Bidder should submit with the bid or proposal an Equal Employment Opportunity Staffing Plan ([Attachment 5](#), Form #4) identifying the anticipated work force to be utilized on the Contract. Additionally, the Bidder should submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement ([Attachment 5](#), Form # 5), to DOH with their bid or proposal.

## **5.7 Sales and Compensating Use Tax Certification (Tax Law, § 5-a)**

Section 5-a of the Tax Law, as amended, effective April 26, 2006, requires certain contractors awarded state contracts for commodities, services and technology valued at more than \$100,000 to certify to the Department of Tax and Finance (DTF) that they are registered to collect New York State and local sales and compensating use taxes. The law applies to contracts where the total amount of such contractors' sales delivered into New York State are in excess of \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made, and with respect to any affiliates and subcontractors whose sales delivered into New York State exceeded \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made.

This law imposes upon certain contractors the obligation to certify whether or not the contractor, its affiliates, and its subcontractors are required to register to collect state sales and compensating use tax and contractors must certify to DTF that each affiliate and subcontractor exceeding such sales threshold is registered with DTF to collect New York State and local sales and compensating use taxes. The law prohibits the State Comptroller, or other approving agencies, from approving a contract awarded to an offerer meeting the registration requirements but who is not so registered in accordance with the law.

The successful Bidder must file a properly completed Form ST-220-CA with the Department of Health and Form ST-220-TD with the DTF. These requirements must be met before a contract may take effect. Further information can be found at the New York State Department of Taxation and Finance's website, available through this link: <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Forms are available through these links:

- ST-220 CA: [http://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf)
- ST-220 TD: [http://www.tax.ny.gov/pdf/current\\_forms/st/st220td\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf)

## **5.8 Contract Insurance Requirements**

Prior to the start of work under this Contract, the CONTRACTOR shall procure, at its sole cost and expense, and shall maintain in force at all times during the term of this Contract, insurance of the types and in the amounts set forth in [Attachment 8](#), the New York State Department of Health Contract, Section IV. Contract Insurance Requirements as well as below.

## **5.9 Subcontracting**

Bidders may propose the use of a subcontractor. The Contractor shall obtain prior written approval from NYSDOH before entering into an agreement for services to be provided by a subcontractor. The Contractor is solely responsible for assuring that the requirements of the RFP are met. All subcontracts shall contain provisions specifying that the work performed by the subcontractor must be in accordance with the terms of the prime contract, and that the subcontractor specifically agrees to be bound by the confidentiality provisions set forth in the agreement between the DOH and the Contractor. DOH reserves the right to request removal of any bidder's



staff or subcontractor's staff if, in DOH's discretion, such staff is not performing in accordance with the Agreement. Subcontractors whose contracts are valued at or above \$100,000 will be required to submit the Vendor Responsibility Questionnaire upon selection of the prime contractor.

## 5.10 DOH's Reserved Rights

The Department of Health reserves the right to:

1. Reject any or all proposals received in response to the RFP;
2. Withdraw the RFP at any time, at the agency's sole discretion;
3. Make an award under the RFP in whole or in part;
4. Disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFP;
5. Seek clarifications and revisions of proposals;
6. Use proposal information obtained through site visits, management interviews and the state's investigation of a bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the bidder in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFP;
7. Prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available;
8. Prior to the bid opening, direct bidders to submit proposal modifications addressing subsequent RFP amendments;
9. Change any of the scheduled dates;
10. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective bidders;
11. Waive any requirements that are not material;
12. Negotiate with the successful bidder within the scope of the RFP in the best interests of the state;
13. Conduct contract negotiations with the next responsible bidder, should the Department be unsuccessful in negotiating with the selected bidder;
14. Utilize any and all ideas submitted in the proposals received;
15. Every offer shall be firm and not revocable for a period of three hundred and sixty-five days from the bid opening, to the extent not inconsistent with section 2-205 of the uniform commercial code. Subsequent to such three hundred and sixty-five days, any offer is subject to withdrawal communicated in a writing signed by the offerer; and,
16. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offerer's proposal and/or to determine an offerer's compliance with the requirements of the solicitation.

## 5.11 Freedom of Information Law ("FOIL")

All proposals may be disclosed or used by DOH to the extent permitted by law. DOH may disclose a proposal to any person for the purpose of assisting in evaluating the proposal or for any other lawful purpose. All proposals will become State agency records, which will be available to the public in accordance with the Freedom of Information Law. **Any portion of the proposal that a Bidder believes constitutes proprietary information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the proposal as directed in [Section 6.1.2](#) of the RFP.** If DOH agrees with the proprietary claim, the designated portion of the proposal will be withheld from public disclosure. Blanket assertions of proprietary material will not be accepted, and failure to specifically designate proprietary material may be deemed a waiver of any right to confidential handling of such material.

## 5.12 Lobbying

Chapter 1 of the Laws of 2005, as amended by Chapter 596 of the Laws of 2005, made significant changes as it pertains to development of procurement contracts with governmental entities. The changes included:

- a) made the lobbying law applicable to attempts to influence procurement contracts once the procurement process has been commenced by a state agency, unified court system, state legislature, public authority, certain industrial development agencies and local benefit corporations;

- b) required the above-mentioned governmental entities to record all contacts made by lobbyists and contractors about a governmental procurement so that the public knows who is contacting governmental entities about procurements;
- c) required governmental entities to designate persons who generally may be the only staff contacted relative to the governmental procurement by that entity in a restricted period;
- d) authorized the New York State Commission on Public Integrity, (now New York State Joint Commission on Public Ethics), to impose fines and penalties against persons/organizations engaging in impermissible contacts about a governmental procurement and provides for the debarment of repeat violators;
- e) directed the Office of General Services to disclose and maintain a list of non-responsible bidders pursuant to this new law and those who have been debarred and publish such list on its website;
- f) required the timely disclosure of accurate and complete information from offerers with respect to determinations of non-responsibility and debarment; (Bidders responding to this RFP should submit a completed and signed [Attachment 1](#), "Prior Non-Responsibility Determination".)
- g) increased the monetary threshold which triggers a lobbyist's obligation under the Lobbying Act from \$2,000 to \$5,000; and
- h) established the Advisory Council on Procurement Lobbying.

Subsequently, Chapter 14 of the Laws of 2007 amended the Lobbying Act of the Legislative Law, particularly as it related to specific aspects of procurements as follows: (i) prohibiting lobbyists from entering into retainer agreements on the outcome of government grant making or other agreement involving public funding; and (ii) reporting lobbying efforts for grants, loans and other disbursements of public funds over \$15,000.

The most notable, however, was the increased penalties provided under Section 20 of Chapter 14 of the Laws of 2007, which replaced old penalty provisions and the addition of a suspension option for lobbyists engaged in repeated violations. Further amendments to the Lobbying Act were made in Chapter 4 of the Laws of 2010.

Questions regarding the registration and operation of the Lobbying Act should be directed to the New York State Joint Commission on Public Ethics.

### **5.13 State Finance Law Consultant Disclosure Provisions**

In accordance with New York State Finance Law Section 163(4)(g), State agencies must require all contractors, including subcontractors, that provide consulting services for State purposes pursuant to a contract to submit an annual employment report for each such contract.

The successful bidder for procurements involving consultant services must complete a "State Consultant Services Form A, Contractor's Planned Employment From Contract Start Date through End of Contract Term" in order to be eligible for a contract.

The successful bidder must also agree to complete a "State Consultant Services Form B, Contractor's Annual Employment Report" for each state fiscal year included in the resulting contract. This report must be submitted annually to the Department of Health, the Office of the State Comptroller, and Department of Civil Service.

State Consultant Services Form A: Contractor's Planned Employment and Form B: Contractor's Annual Employment Report may be accessed electronically at: <http://www.osc.state.ny.us/agencies/forms/ac3271s.doc> and <http://www.osc.state.ny.us/agencies/forms/ac3272s.doc>.

### **5.14 Debriefing**

Pursuant to Section 163(9)(c) of the State Finance Law, any unsuccessful Bidder may request a debriefing regarding the reasons that the proposal or bid submitted by the Bidder was not selected for award. Requests for a debriefing must be made within fifteen (15) calendar days of release of the written or electronic notice by the

Department that the Bid submitted by the Bidder was not selected for award. Requests should be submitted in writing to a designated contact identified in the award/non-award letter.

## **5.15 Protest Procedures**

In the event unsuccessful bidders wish to protest the award resulting from this RFP, bidders should follow the protest procedures established by the Office of the State Comptroller (OSC). These procedures can be found in Chapter XI Section 17 of the Guide to Financial Operations (GFO). Available on-line at:

<http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>

## **5.16 Iran Divestment Act**

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Bidder/Contractor (or any assignee) certifies that it is not on the "Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the OGS website (currently found at this address: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf>) and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additionally, Bidder/Contractor is advised that should it seek to renew or extend a Contract awarded in response to the solicitation, it must provide the same certification at the time the Contract is renewed or extended.

During the term of the Contract, should DOH receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, DOH will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then DOH shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the Contractor in default. DOH reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal, or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

## **5.17 Piggybacking**

New York State Finance Law section 163(10)(e) (see also <http://www.ogs.ny.gov/purchase/snt/sflxi.asp>) allows the Commissioner of the NYS Office of General Services to consent to the use of this contract by other New York State Agencies, and other authorized purchasers, subject to conditions and the Contractor's consent.

## **5.18 Encouraging Use of New York Businesses in Contract Performance**

Public procurements can drive and improve the State's economic engine through promotion of the use of New York businesses by its contractors. New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, bidders/proposers for this contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles. All bidders should complete [Attachment 6](#), Encouraging Use of New York Businesses in Contract Performance, to indicate their intent to use/not use New York Businesses in the performance of this contract.

## **5.19 Diversity Practices Questionnaire**

Diversity practices are the efforts of contractors to include New York State-certified Minority and Women-owned Business Enterprises ("MWBs") in their business practices. Diversity practices may include past, present, or future actions and policies, and include activities of contractors on contracts with private entities and governmental units other than the State of New York. Assessing the diversity practices of contractors enables contractors to engage in meaningful, capacity-building collaborations with MWBs.

## **5.20 Participation Opportunities for NYS Certified Service-Disabled Veteran-Owned Businesses**

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”), thereby further integrating such businesses into New York State’s economy. DOH recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of DOH contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders/Contractors are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

For purposes of this procurement, DOH conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors, service providers, and suppliers to Contractor. Nevertheless, Bidder/Contractor is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials. The directory of New York State Certified SDVOBs can be viewed at: <https://ogs.ny.gov/veterans/>

Bidders are encouraged to contact the Office of General Services’ Division of Service-Disabled Veteran’s Business Development at 518-474-2015 or [VeteransDevelopment@ogs.ny.gov](mailto:VeteransDevelopment@ogs.ny.gov) to discuss methods of maximizing participation by SDVOBs on the Contract.

## **5.21 Intellectual Property**

Any work product created pursuant to this agreement and any subcontract shall become the sole and exclusive property of the New York State Department of Health, which shall have all rights of ownership and authorship in such work product.

## **5.22 Vendor Assurance of No Conflict of Interest or Detrimental Effect**

All bidders responding to this solicitation should submit [Attachment 4](#) to attest that their performance of the services outlined in this IFB does not create a conflict of interest and that the bidder will not act in any manner that is detrimental to any other State project on which they are rendering services.

## **5.23 Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination**

The New York State Human Rights Law, Article 15 of the Executive Law, prohibits discrimination and harassment based on age, race, creed, color, national origin, sex, pregnancy or pregnancy-related conditions, sexual orientation, gender identity, disability, marital status, familial status, domestic violence victim status, prior arrest or conviction record, military status or predisposing genetic characteristics. In accordance with Executive Order No. 177, the Offeror certifies that they do not have institutional policies or practices that fail to address those protected status under the Human Rights Law.

## **5.24 Executive Order 16 Prohibiting Contracting with Entities Conducting Business Operations in Russia**

All Bidders responding to this solicitation should submit Attachment 12 certifying the status of their business operations in Russia, if any, pursuant to Executive Order 16.

## **6.0 PROPOSAL CONTENT**

The following includes the format and information to be provided by each Bidder. Bidders responding to this RFP must satisfy all requirements stated in this RFP. All Bidders are requested to submit complete Administrative and Technical Proposals and are required to submit a complete Cost Proposal. A proposal that is incomplete in any material respect may be rejected.

To expedite review of the proposals, Bidders are requested to submit proposals in separate Administrative, Technical, and Cost packages inclusive of all materials as summarized in Attachment A, Proposal Documents. This separation of information will facilitate the review of the material requested. No information beyond that specifically requested is required, and Bidders are requested to keep their submissions to the shortest length consistent with making a complete presentation of qualifications. Evaluations of the Administrative, Technical, and Cost Proposals received in response to this RFP will be conducted separately. Bidders are therefore cautioned not to include any Cost Proposal information in the Technical Proposal documents.

**DOH will not be responsible for expenses incurred in preparing and submitting the Administrative, Technical, or Cost Proposals.**

### **6.1 Administrative Proposal**

The Administrative Proposal should contain all items listed below. An Administrative Proposal that is incomplete in any material respect may be eliminated from consideration. The information requested should be provided in the prescribed format. Responses that do not follow the prescribed format may be eliminated from consideration. All responses to the RFP may be subject to verification for accuracy. Please provide the forms in the same order in which they are requested.

#### **6.1.1 Bidder's Disclosure of Prior Non-Responsibility Determinations**

Submit a completed and signed [Attachment 1](#), "Prior Non-Responsibility Determinations."

#### **6.1.2 Freedom of Information Law – Proposal Redactions**

Bidders must clearly and specifically identify any portion of their proposal that a Bidder believes constitutes proprietary information entitled to confidential handling as an exception to the Freedom of Information Law. See [Section 5.11](#), (Freedom of Information Law).

#### **6.1.3 Vendor Responsibility Questionnaire**

Complete, certify, and file a New York State Vendor Responsibility Questionnaire. DOH recommends that bidders file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System Instructions at <http://www.osc.state.ny.us/vendrep/index.htm> or go directly to the VendRep System online at [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep).

Bidders must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the OSC Help Desk at 866-370-4672 or 518-408-4672 or by email at [ciohelpdesk@osc.state.ny.us](mailto:ciohelpdesk@osc.state.ny.us).

Bidders opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website, [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep), or may contact the Office of the State Comptroller's Help Desk for a copy of the paper form. Bidders should complete and submit the Vendor Responsibility Attestation, [Attachment 3](#).

#### **6.1.4 Vendor Assurance of No Conflict of Interest or Detrimental Effect**

Submit [Attachment 4](#), Vendor Assurance of No Conflict of Interest or Detrimental Effect, which includes information regarding the Bidder, members, shareholders, parents, affiliates, and subcontractors. [Attachment 4](#) must be signed by an individual authorized to bind the Bidder contractually.

### **6.1.5 M/WBE Forms**

Submit completed Form #1 and/or Form #2, Form #4 and Form #5 as directed in [Attachment 5](#), "Guide to New York State DOH M/WBE RFP Required Forms."

### **6.1.6 Encouraging Use of New York Businesses in Contract Performance**

Submit [Attachment 6](#), "Encouraging Use of New York State Businesses in Contract Performance" to indicate the New York Businesses you will use in the performance of the Contract.

### **6.1.7 Bidder's Certified Statements**

Complete, sign and submit [Attachment 7](#), "Bidder's Certified Statements", which includes information regarding the Bidder. [Attachment 7](#) must be signed by an individual authorized to bind the Bidder contractually. Please indicate the title or position that the signer holds with the Bidder.

### **6.1.8 References**

Provide references using [Attachment 9](#), (References) for three similar or relevant projects. Provide firm names, addresses, contact names, telephone numbers, and email addresses.

### **6.1.9 Diversity Practices Questionnaire**

The Department has determined, pursuant to New York State Executive Law Article 15-A, that the assessment of the diversity practices of respondents to this procurement is practical, feasible, and appropriate. Accordingly, respondents to this procurement should include as part of their response to this procurement, [Attachment 10](#) "Diversity Practices Questionnaire". Responses will be formally evaluated and scored.

### **6.1.10 Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination**

Bidder should complete and submit [Attachment 11](#) certifying that it does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status, or other protected status under the Human Rights Law.

### **6.1.11 Executive Order 16 Prohibiting Contracting with Businesses Conducting Business in Russia**

Bidder should complete and submit [Attachment 12](#) certifying the status of their business operations in Russia, if any, pursuant to Executive Order 16.

### **6.1.12 State Finance Law Consultant Disclosure Provisions**

In accordance with New York State Finance Law Section 163(4)(g), State agencies must require all Contractors, including subcontractors, that provide consulting services for State purposes pursuant to a contract to submit an annual employment report for each such contract.

The successful bidder for procurements involving consultant services must complete a "State Consultant Services Form A, Contractor's Planned Employment From Contract Start Date through End of Contract Term" in order to be eligible for a contract.

The successful bidder must also agree to complete a "State Consultant Services Form B, Contractor's Annual Employment Report" for each state fiscal year included in the resulting contract. This report must be submitted annually to the Department, the Office of the State Comptroller, and Department of Civil Service.



Submit State Consultant Services Form A: Contractor's Planned Employment and Form B: Contractor's Annual Employment Report , available at: <http://www.osc.state.ny.us/agencies/forms/ac3271s.doc> and <http://www.osc.state.ny.us/agencies/forms/ac3272s.doc>.

### **6.1.13 Sales and Compensating Use Tax Certification (Tax Law, § 5-a)**

Section 5-a of the Tax Law, as amended, effective April 26, 2006, requires certain Contractors awarded state contracts for commodities, services and technology valued at more than \$100,000 to certify to the Department of Tax and Finance (DTF) that they are registered to collect New York State and local sales and compensating use taxes. The law applies to contracts where the total amount of such contractor's sales delivered into New York State are in excess of \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made, and with respect to any affiliates and subcontractors whose sales delivered into New York State exceeded \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made.

This law imposes upon certain contractors the obligation to certify whether or not the contractor, its affiliates, and its subcontractors are required to register to collect state sales and compensating use tax and contractors must certify to DTF that each affiliate and subcontractor exceeding such sales threshold is registered with DTF to collect New York State and local sales and compensating use taxes. The law prohibits the State Comptroller, or other approving agencies, from approving a contract awarded to an offeror meeting the registration requirements but who is not so registered in accordance with the law.

The successful Bidder must file a properly completed Form ST-220-CA with the Department and Form ST-220-TD with the DTF. These requirements must be met before a contract may take effect. Further information can be found at the New York State Department of Taxation and Finance's website, available through this link: <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Submit these Forms, available through these links:

- ST-220 CA: [http://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf)
- ST-220 TD: [http://www.tax.ny.gov/pdf/current\\_forms/st/st220td\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf)

## **6.2 Technical Proposal**

The purpose of the Technical Proposal is to demonstrate the qualifications, competence, and capacity of the Bidder to perform the services contained in this RFP. The Technical Proposal should demonstrate the qualifications of the Bidder and the staff to be assigned to provide services related to the services included in this RFP.

A Technical Proposal that is incomplete in any material respect may be eliminated from consideration. The following outlines the information requested to be provided by Bidders. The information requested should be provided in the prescribed format. Responses that do not follow the prescribed format may be eliminated from consideration. All responses to the RFP may be subject to verification for accuracy.

While additional data may be presented, the following should be included. Please provide the information in the same order in which it is requested. Your proposal should contain sufficient information to assure DOH of its accuracy. Failure to follow these instructions may result in disqualification.

Pricing information contained in the Cost Proposal cannot be included in the Technical Proposal documents.

### **A. Title Page**

Submit a Title Page providing the RFP subject and number; the Bidder's name and address, the name, address, telephone number, and email address of the Bidder's contact person; and the date of the Proposal.

## **B. Table of Contents**

The Table of Contents should clearly identify all material (by section and page number) included in the proposal.

## **C. Documentation of Bidder's Eligibility Responsive to Section 3.0 of RFP**

Bidders must be able to meet all the requirements stated in Section 3.0 of the RFP. The bidder must submit documentation that provides sufficient evidence of meeting the criterion. This documentation may be in any format needed to demonstrate how they meet the minimum qualifications to propose.

### **C.1 Minimum Qualifications**

Bidders must provide:

- Narrative describing how the Bidder has a minimum of two (2) years of experience providing Bidder designed training programs, in the use of web portal(s) and IT systems;
- Narrative describing how the Bidder has at least three (3) years of experience in each of the following:
  - Administering a statewide financial management and/or payment system that processes at least 1,500 direct payment transactions (paper and/or electronic funds transfer) per month;
  - Providing financial management for or more than three (3) state governments, non-profit agencies, advocacy organizations, and / or health and human services organizations; **and**
  - Preparing and issuing Internal Revenue Services (IRS) 1099 tax forms and other applicable IRS tax filing requirements, as set forth by the IRS;
- Attestation certifying the Bidder's payment agent offices and staff are located in the continental United States throughout the term of the contract; and

Documentation that the Bidder possesses a two (2) million-dollar line of credit.

### **C.2 Preferred Qualifications**

Preference will be given to Bidders who provide:

- Narrative describing how the Bidder has at least two (2) years of experience assisting individuals with TBI or other disabilities as a fiscal intermediary, support broker, customer service representative and/or complaint center;
- Narrative describing how the Bidder has at least one (1) year of experience related to a housing program for individuals with physical or cognitive limitations such as:
  - Assisting with housing placement;
  - Assessing and documenting the appropriateness of housing sites for the population; and
  - Managing a database or list of appropriate providers or landlords for the population.

## **D. Technical Proposal Narrative**

The technical proposal should provide satisfactory evidence of the Bidder's ability to meet, and expressly respond to, each element listed below as it relates to Section 4.0 Scope of Work. Bidders should respond to each element listed below and label their responses with the corresponding section letter/number.

Elements of the technical proposal are as follows:

### **D.1 Executive Summary**

The Bidder's Technical Proposal should contain an executive summary which describes the Bidder's understanding of the performance requirements outlined in Section 4.0 of this RFP.

### **D.2 Organizational Background and Experience**

The Bidder's Technical Proposal should describe their strengths and abilities to perform the Scope of Work detailed in Section 4.0 of this RFP. The description should include any attributes, special techniques, skills, or



abilities they possess as well as their experiences with similar or relevant projects. Prior experience should include information about the target populations served, total monthly payment amounts, and number of transactions completed, number of years providing housing support services.

### D.3 Project Description

The Bidder's Technical Proposal should provide a detailed narrative of their proposed plan to implement, perform, and oversee all the Tasks/Deliverables outlined in Section 4.1 of the RFP. This narrative should include a description of the bidder's ability to:

- 1.1. Build and/or maintain an organizational structure with staff and financial operations to ensure statewide support for the housing program in a changing service delivery system;
- 1.2. Develop and implement or maintain an information technology infrastructure capable of housing a detailed database of over 2000 participants, landlords and vendors receiving housing funding;
- 1.3. Develop or maintain a web-based portal with procedures and internal controls which allows the secure management of more than 2000 transactions per month and:
  - 1.3.1. Uses an established web portal technology using a secure server;
  - 1.3.2. Provides secure remote access allowing for users to upload and retrieve data files;
  - 1.3.3. Supports at least 300 users with secure access;
  - 1.3.4. Is able to generate required monthly and on-demand expenditure reports; and
  - 1.3.5. Acts as a secure repository for documents, including but not limited to leases, trusts, certificates of occupancy and housing quality checklists.
- 1.4. Establishing and implementing or maintaining (if current contractor) an electronic payment processing system within the first 90 days of contract approval or, if the bidder is the incumbent maintain a payment processing system that:
  - 1.4.1. Uses Enterprise Software with the ability to upgrade based upon changes to technology requirements;
  - 1.4.2. Can support a large-scale statewide operation that processes at least 20,000 transactions per year; and
  - 1.4.3. Has the ability to expand or to adapt based upon increases or decreases in volume.
- 1.5. Receive and process approximately 200 new applications and change of status forms each month.
  - 1.5.1. Initial applications must be processed within five (5) calendar days of receipt
  - 1.5.2. Change of status forms must be processed within two (2) calendar days.
- 1.6. Process up to 700 annual emergency, expedited, and one-time housing support payments.
  - 1.6.1. One-time payments (e.g., security deposits, broker fees) must be processed within five (5) calendar days of receipt of an approved application and/or transmittal request
  - 1.6.2. Emergency payments must be processed
- 1.7. Process (on paper or electronically) approximately 3,000 individual rental and utility payments each month to approximately 1,500 current individuals with the possibility for an expansion in the number of payments and recipients through the contract term.
- 1.8. Develop and maintain orientation and ongoing training programs for over 400 Service Coordinators and Regional Resource Development Center staff in the use and oversight of the web-based portal, program guidelines, and associated reporting. The description should identify the bidders plan to
  - 1.8.1. Conduct the trainings in-person or virtually via webinar; and
  - 1.8.2. Conduct the trainings at least annually.
  - 1.8.3. Conduct the trainings which will include at a minimum:
    - 1.8.3.1. Applicable Housing Program guidelines and policies;
    - 1.8.3.2. Use of documents for the administration of the Housing Program;
    - 1.8.3.3. Principles and requirements of the Americans with Disabilities Act and Fair Housing standards;
    - 1.8.3.4. Cultural sensitivity to the populations serves as related to the need for required housing and payment supports; and
    - 1.8.3.5. Confidentiality under MA and Health Insurance Portability and Accountability Act (HIPAA) requirements, with the recognition that confidential information and data may be discussed and available to staff.
- 1.9. Ensure full compliance with applicable IRS regulations pertaining to the issuance of year end 1099 forms to all vendors and agencies receiving payments as set forth in 26 CFR 1.6041-1.

### D.4 Staffing Background and Experience

The Bidder's Technical Proposal should include a staffing plan that:

1. Describes the Bidder's overall policies for hiring, vetting, and training staff;
2. Describes how the Bidder will organize the staff and what titles/positions they intend to utilize for this project;
3. Includes an organizational chart that demonstrates the number of staff, location of staff, proposed titles of staff, and reporting structure;
4. Describes the access to staff for technical assistance, availability for meetings and problem solving; and
5. Includes the résumé of the proposed Project Coordinator, as outlined in RFP Section 4.2 Staffing. The proposed Project Coordinator's résumé should describe their respective work experience, what their responsibilities will be for this engagement and how they are specifically qualified and capable to perform the duties of the Project Coordinator position.

### 6.3 Cost Proposal

Submit a completed and signed [Attachment B – Cost Proposal](#). The Cost Proposal shall comply with the format and content requirements as detailed in this document and in Attachment B. Failure to comply with the format and content requirements may result in disqualification.

The bid price is to cover the cost of furnishing all of the said services, including but not limited to travel, materials, equipment, overhead, profit, and labor to the satisfaction of the Department of Health and the performance of all work set forth in said specifications.

**To complete the Cost Proposal (Attachment B) form, Bidders must provide an all-inclusive Funds Under Management (FUM) Percentage Rate.**

- Bidders should round their FUM Percentage Rate to the nearest thousandth decimal.
- The Bidder's FUM Percentage Rate must be all-inclusive of all costs related to materials, labor, overhead, equipment, travel, meetings, and any other costs associated with providing the services detailed in Section 4.0 Scope of Work of this RFP.
- Historically, the actual housing expenditures paid per month were approximately \$1,450,000. This amount may vary higher or lower in any given month, but the awarded vendor will only be reimbursed for the actual housing expenditures they paid per month and the FUM fee.
- The FUM fee is the FUM Percentage Rate multiplied by the actual housing expenditures paid per month.

### 7.0 PROPOSAL SUBMISSION

A proposal consists of three distinct parts: (1) the Administrative Proposal, (2) the Technical Proposal, and (3) the Cost Proposal. The table below outlines the requested format for each part. Proposals must be submitted in electronic submission as described below.

	<b>Electronic Submission</b>
<b>Administrative Proposal</b>	Email labeled "Administrative Proposal, Bidder's Name, RFP# 20299 containing a standard searchable PDF file with copy/read permissions only.
<b>Technical Proposal</b>	Email labeled "Technical Proposal, Bidder's Name, RFP# 20299 containing a standard searchable PDF file with copy/read permissions only.
<b>Cost Proposal</b>	Email labeled "Cost Proposal, Bidder's Name, RFP#" 20299 containing standard searchable PDF file(s) with copy/read permissions only.

Submit three (3), standard searchable, open and permission password protected, PDF proposals in three (3) separate emails to [OHIPcontracts@health.ny.gov](mailto:OHIPcontracts@health.ny.gov) with the subject "<Type of Proposal Submission, Bidder Name, RFP# 20299>"

Include, as attachment to each email, the distinct PDF file labeled "Administrative Proposal", "Technical Proposal", or "Cost Proposal". Example: "Technical Proposal Submission, ABC Company, RFP# 20299".

1. All electronic proposal submissions should be clear and include page numbers on the bottom of each page.
2. The body of the email submitted should also include the password to the file and contact information.
3. A font size of eleven (11) points or larger should be used with appropriate header and footer information.
4. In the event an electronic submission cannot be read by the Department, the Department reserves the right to request a hard copy and/or electronic resubmission of any unreadable files. Offeror shall have 2 business days to respond to such requests and must certify the resubmission is identical to the original submission.
5. Where signatures are required, the proposals should have a handwritten signature (wet ink) and be signed in **blue ink**. A scan of the handwritten (wet ink) signature can be used for electronic submission in the PDF. The Department reserves the right to request hardcopy originals of all signature pages at any time.
6. The NYSDOH discourages overly lengthy proposals. Therefore, marketing brochures, user manuals or other materials, beyond that sufficient to present a complete and effective proposal, are not desired. Elaborate artwork or expensive paper is not necessary or desired. In order for the NYSDOH to evaluate proposals fairly and completely, proposals should follow the format described in this RFP to provide all requested information. The Bidder should not repeat information in more than one section of the proposal. If information in one section of the proposal is relevant to a discussion in another section, the Bidder should make specific reference to the other section rather than repeating the information;
7. Audio and/or videotapes are not allowed. Any submitted audio or videotapes will be ignored by the evaluation team;

**The entire proposal must be received by the NYSDOH, in three separate emails to the email account and format designated above, no later than the Deadline for Submission of Proposals specified in [Section 1.0](#), (Calendar of Events). Late bids will not be considered.**

**NOTE: You should request a receipt containing the time and date received.**

Submission of proposals in a manner other than as described in these instructions (e.g., fax) will not be accepted.

## **7.1 No Bid Form**

Bidders choosing not to bid are requested to complete the No-Bid form [Attachment 2](#).

## **8.0 METHOD OF AWARD**

### **8.1 General Information**

DOH will evaluate each proposal based on the "Best Value" concept. This means that the proposal that best "optimizes quality, cost, and efficiency among responsive and responsible offerers" shall be selected for award (State Finance Law, Article 11, §163(1)(j)).

DOH at its sole discretion, will determine which proposal(s) best satisfies its requirements. DOH reserves all rights with respect to the award. All proposals deemed to be responsive to the requirements of this procurement will be evaluated and scored for technical qualities and cost. Proposals failing to meet the requirements of this document may be eliminated from consideration. The evaluation process will include separate technical and cost evaluations, and the result of each evaluation shall remain confidential until evaluations have been completed and a selection of the winning proposal is made.

The evaluation process will be conducted in a comprehensive and impartial manner, as set forth herein, by an Evaluation Committee. The Technical Proposal and compliance with other RFP requirements (other than the Cost Proposal) will be weighted **80%** of a proposal's total score and the information contained in the Cost Proposal will be weighted **20%** of a proposal's total score. *[e.g., 80% Technical, 20% Cost]*

Bidders may be requested by DOH to clarify the contents of their proposals. Other than to provide such information as may be requested by DOH, no Bidder will be allowed to alter its proposal or add information after the Deadline for Submission of Proposals listed in [Section 1.0](#) (Calendar of Events).

In the event of a tie, the determining factors for award, in descending order, will be:

- (1) lowest cost,
- (2) proposed percentage of MWBE participation.

## **8.2 Submission Review**

DOH will examine all proposals that are received in a proper and timely manner to determine if they meet the proposal submission requirements, as described in [Section 6.0](#) (Proposal Content) and [Section 7.0](#) (Proposal Submission), including documentation requested for the Administrative Proposal, as stated in this RFP. Proposals that are materially deficient in meeting the submission requirements or have omitted material documents, in the sole opinion of DOH, may be rejected.

## **8.3 Technical Evaluation**

The evaluation process will be conducted in a comprehensive and impartial manner. A Technical Evaluation Committee comprised of program staff of DOH will review and evaluate all proposals.

Proposals will undergo a preliminary evaluation to verify Minimum Qualifications to Propose (Section 3.0).

The Technical Evaluation Committee members will independently score each Technical Proposal that meets the submission requirements of this RFP. The individual Committee Member scores will be averaged to calculate the Technical Score for each responsive Bidder.

The technical evaluation is **80% (up to 80 points)** of the final score.

## **8.4 Cost Evaluation**

The Cost Evaluation Committee will examine the Cost Proposal documents. The Cost Proposals will be opened and reviewed for responsiveness to cost requirements. If a cost proposal is found to be non-responsive, that proposal may not receive a cost score and may be eliminated from consideration.

The Cost Proposals will be scored based on a maximum cost score of 20 points. The maximum cost score will be allocated to the proposal with the lowest all-inclusive Funds Under Management (FUM) Rate. All other responsive proposals will receive a proportionate score based on the relation of their Cost Proposal to the proposals offered at the lowest final cost, using this formula:

$$C = (A/B) * 20\%$$

A is Funds Under Management (FUM) Rate of lowest cost proposal;

B is Funds Under Management (FUM) Rate of cost proposal being scored; and

C is the Cost score.

The cost evaluation is **20% (up to 20 points)** of the final score.

## **8.5 Composite Score**

A composite score will be calculated by the DOH by adding the Technical Proposal points and the Cost points awarded. Finalists will be determined based on composite scores.

## **8.6 Reference Checks**

The Bidder should submit references using [Attachment 9](#) (References). At the discretion of the Evaluation Committee, references may be checked at any point during the process to verify bidder qualifications to propose (Section 3.0).

## 8.7 Best and Final Offers

NYSDOH reserves the right to request best and final offers. In the event NYSDOH exercises this right, all bidders that submitted a proposal that are susceptible to award will be asked to provide a best and final offer. Bidders will be informed that should they choose not to submit a best and final offer, the offer submitted with their proposal will be construed as their best and final offer.

## 8.8 Award Recommendation

The Evaluation Committee will submit a recommendation for award to the Finalist(s) with the highest composite score(s) whose experience and qualifications have been verified.

The Department will notify the awarded Bidder(s) and Bidders not awarded. The awarded Bidder(s) will enter into a written Agreement substantially in accordance with the terms of [Attachment 8](#), DOH Agreement, to provide the required services as specified in this RFP. The resultant contract shall not be binding until fully executed and approved by the New York State Office of the Attorney General and the Office of the State Comptroller.

## ATTACHMENTS

The following attachments are included in this RFP and are available via hyperlink or can be found at: <https://www.health.ny.gov/funding/forms/>.

1. [Bidder's Disclosure of Prior Non-Responsibility Determination](#)
2. [No-Bid Form](#)
3. [Vendor Responsibility Attestation](#)
4. [Vendor Assurance of No Conflict of Interest or Detrimental Effect](#)
5. [Guide to New York State DOH M/WBE Required Forms & Forms](#)
6. [Encouraging Use of New York Businesses in Contract Performance](#)
7. [Bidder's Certified Statements](#)
8. [DOH Agreement](#) (Standard Contract)
9. [References](#)
10. [Diversity Practices Questionnaire](#)
11. [Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination](#)
12. [Executive Order 16 Prohibiting Contracting with Businesses Conducting Business in Russia](#)

The following attachments are attached and included in this RFP:

- A. Proposal Document Checklist
- B. Cost Proposal

The following attachments have been posted as separate linked files and have been posted along with this RFP at <https://www.health.ny.gov/funding/>:

- C. Required Clauses for Federally Funded Contracts

# ATTACHMENT A

## PROPOSAL DOCUMENT CHECKLIST

Please reference Section 7.0 for the appropriate format and quantities for each proposal submission.

RFP#20299– Housing Payment Services for Traumatic Brain Injury and Nursing Home Transition and Diversion Waiver Housing Subsidy Participants		
FOR THE ADMINISTRATIVE PROPOSAL		
RFP §	SUBMISSION	INCLUDED
§ 6.1.1	Attachment 1 – Bidder’s Disclosure of Prior Non-Responsibility Determinations, completed and signed.	<input type="checkbox"/>
§ 6.1.2	Freedom of Information Law – Proposal Redactions (If Applicable)	<input type="checkbox"/>
§ 6.1.3	Attachment 3- Vendor Responsibility Attestation	<input type="checkbox"/>
§ 6.1.4	Attachment 4 - Vendor Assurance of No Conflict of Interest or Detrimental Effect	<input type="checkbox"/>
§ 6.1.5	M/WBE Participation Requirements:	<input type="checkbox"/>
	Attachment 5 Form 1	<input type="checkbox"/>
	Attachment 5 Form 2 (If Applicable)	<input type="checkbox"/>
	Attachment 5 Form 4	<input type="checkbox"/>
	Attachment 5 Form 5 (If Applicable)	<input type="checkbox"/>
§ 6.1.6	Attachment 6- Encouraging Use of New York Businesses	<input type="checkbox"/>
§ 6.1.7	Attachment 7 - Bidder’s Certified Statements, completed & signed.	<input type="checkbox"/>
§ 6.1.8	Attachment 9 – References	<input type="checkbox"/>
§ 6.1.9	Attachment 10 - Diversity Practices Questionnaire	<input type="checkbox"/>
§ 6.1.10	Attachment 11 - Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination	<input type="checkbox"/>
§ 6.1.11	Attachment 12 – Executive Order 16 Prohibiting Contracting with Businesses Conducting Business in Russia	<input type="checkbox"/>
§ 6.1.12	State Finance Law Consultant Disclosure	<input type="checkbox"/>
§ 6.1.13	Sales and Compensating Use Tax Certification	<input type="checkbox"/>
FOR THE TECHNICAL PROPOSAL		
RFP §	SUBMISSION	INCLUDED
§ 6.2.A	Title Page	<input type="checkbox"/>
§ 6.2.B	Table of Contents	<input type="checkbox"/>
§ 6.2.C	Documentation of Bidder’s Eligibility (Requirement)	<input type="checkbox"/>
§ 6.2.D	Technical Proposal Narrative	<input type="checkbox"/>
FOR THE COST PROPOSAL REQUIREMENT		
RFP §	REQUIREMENT	INCLUDED
§ 6.3	Attachment B- Cost Proposal	<input type="checkbox"/>

**ATTACHMENT B**  
COST PROPOSAL  
*RFP # 20299*

**INSTRUCTIONS:**

**To complete the Cost Proposal, Bidders must provide an all-inclusive Funds Under Management (FUM) Percentage Rate.**

- Bidders should round their FUM Percentage Rate to the nearest thousandth decimal.
- The Bidder's FUM Percentage Rate must be all-inclusive of all costs related to materials, labor, overhead, equipment, travel, meetings, and any other costs associated with providing the services detailed in Section 4.0 Scope of Work of this RFP.
- Historically, the actual housing expenditures paid per month were approximately \$1,450,000. This amount may vary higher or lower in any given month, but the awarded vendor will only be reimbursed for the actual housing expenditures they paid per month and the FUM fee.
- The FUM fee is the FUM Percentage Rate multiplied by the actual housing expenditures paid per month.

Funds Under Management (FUM) Percentage Rate bid: \_\_\_\_\_ %

By signing this Cost Proposal Form, bidder agrees that the prices above are binding for 365 days from the proposal due date.

\_\_\_\_\_  
Bidder's Name

\_\_\_\_\_  
Bidder's Authorized Signatory (Signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bidder's Authorized Signatory (Printed)

\_\_\_\_\_  
Bidder's Authorized Signatory Title